

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO HURTADO-MENDOZA,

EMANUEL GUERRERO, AND

MARCELO PACHECO-GARCIA,

Defendant.

No. 2:14-cr-02055-SAB

**PRELIMINARY ORDER OF
FORFEITURE**

Before the Court is the United States' Motion for Entry of a Preliminary Order of Forfeiture, ECF No. 108. The motion was heard without oral argument and on an expedited basis.

IT IS HEREBY ORDERED:

As a result of the Defendants' guilty pleas to Count 1 of the Indictment, charging Possession with Intent to Distribute Methamphetamine, in violation of 21 U.S.C. § 841(a)(1) & (b)(1)(B), for which the United States sought forfeiture of assets pursuant to 21 U.S.C. § 853, Defendants, ROBERTO HURTADO-MENDOZA, EMANUEL GUERRERO, and MARCELO PACHECO-GARCIA, shall forfeit to the United States any property used or intended to be used to commit or facilitate the commission of controlled substance offense(s) and/or any property which represents or is traceable to proceeds of controlled substance

1 violation(s).

2 The Court has determined, based upon the Defendants' plea agreements
3 (ECF Nos. 78, 86, and 102), and discussion during Defendant EMANUEL
4 GUERRERO's sentencing, that the following asset is subject to forfeiture pursuant
5 to 21 U.S.C. 853, and that the United States has established the requisite nexus
6 between such assets described below, and such offense(s):

7 U.S. CURRENCY

8 Approximately \$25,850.00 U.S. currency seized on or about June 25, 2014,
9 by the United States Drug Enforcement Administration.

10 Upon the entry of this Order, the United States, and/or its agents and
11 representatives are authorized to seize the above-listed assets subject to forfeiture,
12 whether held by the Defendant or a third party, and to conduct any discovery
13 proper in identifying, locating or disposing of property subject to forfeiture, in
14 accordance with Fed. R. Crim. P. 32.2(b)(3).

15 Upon entry of this Order, the United States is authorized to commence any
16 applicable proceeding to comply with statutes governing third party rights,
17 including giving notice of this Order.

18 The United States shall publish notice of the order and its intent to dispose
19 of the property. Pursuant to 21 U.S.C. § 853(n), the United States will post notice
20 of this order on the official government internet site (www.forfeiture.gov) for at
21 least 30 consecutive days.

22 The United States may also, to the extent practicable, provide direct written
23 notice to any person known to have alleged an interest in the property that is the
24 subject of this Preliminary Order of Forfeiture, as a substitute for posted internet
25 notice as to those persons so notified. Any person, other than the above-named
26 Defendant, asserting a legal interest in the above-listed property may, within thirty
27 (30) days of the last date of internet posting of notice, or by the date indicated on
28 direct notice, if sent, whichever is earlier, petition the court for a hearing without a

1 jury to adjudicate the validity of his/her alleged interest in the above-listed
 2 forfeited assets and for an amendment of the order of forfeiture, pursuant to
 3 21 U.S.C. § 853(n)

4 Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order
 5 of Forfeiture is final as to the Defendants at the time of sentencing, and is made
 6 part of the sentences and included in the judgments.

7 After the disposition of any motion filed under Fed. R. Crim. P.
 8 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in
 9 accordance with the Federal Rules of Civil Procedure upon a showing that such
 10 discovery is necessary or desirable to resolve factual issues.

11 The United States shall have clear title to the above-listed property
 12 following the Court's disposition of all third-party interests, or, if none, following
 13 the expiration of the period provided in Fed. R. Crim. P. 32.2(c)(2), and 21 U.S.C.
 14 § 853(n), for the filing of third party petitions.

15 The Court shall retain jurisdiction to enforce this Order, and to amend it as
 16 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

17 1. The United States' Motion for Entry of a Preliminary Order of Forfeiture,
 18 ECF No. 108, is **GRANTED**.

19 2. The United States' Motion for Expedited Hearing, ECF No. 109, is
 20 **GRANTED**.

21 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
 22 file this Order and provide copies to counsel.

23 **DATED** this 11th day of May, 2015.



24
 25
 26 *Stanley A. Bastian*
 27

28 Stanley A. Bastian
 United States District Judge